



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E. CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

May 8, 2023

**NOTICE**

TO: J. Scott James, Attorney  
South Hills Law PLLC  
429 ½ Mt. Rushmore Rd  
Custer SD 57730

Petitioners  
(see attached list dated March 7, 2023)

Matthew E. Naasz, Attorney  
Gunderson, Palmer, Nelson & Ashmore, LLP  
P.O. Box 8045  
Rapid City SD 57709

Robert J. Galbraith, Attorney  
Nooney & Solay, LLP  
PO Box 8030  
Rapid City SD 57709-8030

Ann Mines Bailey, Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre SD 57501-8501

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*  
SD DANR, Water Rights Program

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and Final Decision in the matter of Water Permit Application No. 2850-2, Elk Mountain Water Users Association Inc.

The Water Management Board directed counsel for the Water Rights Program to prepare proposed Findings of Fact, Conclusions of Law, and a Final Decision in the matter of the approval of Water Permit Application No. 2850-2, Elk Mountain Water Users Association Inc.

The Board requested that the proposed Findings of Fact, Conclusions of Law and Final Decision be mailed to Board Counsel David McVey and all other parties by June 16, 2023. Written objections or comments in support of the proposed Findings of Fact, Conclusions of Law and Final Decision, or alternative Findings of Fact, Conclusions of Law, and Final Decision are to be mailed to Board and Water Rights Program counsel and other parties by June 27, 2023. Board counsel requests that the draft findings or alternative findings be provided in both a PDF format and a WORD format file via email to David.McVey@state.sd.us.

The Board will consider adoption of Findings of Fact, Conclusions of Law, and Final Decision at 9:30 AM (Central Time), on Wednesday, July 12, 2023, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre SD. The agenda time is an estimate and may be delayed due to prior issues on the agenda. Notice will be provided if there is a change in the hearing time.

At the Board's discretion, oral arguments in opposition or support of the proposed Findings of Fact, Conclusions of Law and Final Decision, or alternative Findings of Fact, Conclusions of Law and Final Decision may be made at the July 12, 2023 meeting. The evidentiary hearing was completed May 3, 2023. No additional testimony will be received at the meeting on July 12, 2023.

If you have questions about the findings process, please contact Ann Mines-Bailey at (605) 773-3215.

c: David McVey, Water Management Board Counsel

## **Petitioner List**

Water Permit Application No. 2850-2, Elk Mountain Water Users Association Inc.

March 7, 2023

### **PETITIONERS**

Daniel Norman Stearns  
25499 Dewey Rd  
Edgemont SD 57735

William and Susan Paulton  
10666 Pass Creek Rd  
Edgemont SD 57735

Dalton Stearns  
10321 Two Track Trl  
Edgemont SD 57735

Jim and Charel Pitts  
25385 Gillette Canyon Rd  
Newcastle WY 82701

Travis Paulton  
10693 Pass Creek Rd  
Edgemont SD 57735

Tomas & Eraclio Martinez  
25663 Dewey Rd  
Edgemont SD 57735

## CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice dated May 8, 2023, regarding preparation of findings of fact, conclusions of law and a final decision in the matter of Water Permit Application No. 2850-2 – Elk Mountain Water Users Association Inc. and a list of petitioners dated March 7, 2023, was served upon the following by enclosing the same in envelopes with first class postage prepaid and affixed thereto, and depositing said envelopes in the United States mail on May 8, 2023.

J. Scott James, Attorney  
South Hills Law PLLC  
429 ½ Mt. Rushmore Rd  
Custer SD 57730

Robert J. Galbraith, Attorney  
Nooney & Solay, LLP  
PO Box 8030  
Rapid City SD 57709-8030

Matthew E. Naasz, Attorney  
Gunderson, Palmer, Nelson &  
Ashmore, LLP  
P.O. Box 8045  
Rapid City SD 57709

### Petitioners as follows:

Daniel Norman Stearns  
25499 Dewey Rd  
Edgemont SD 57735

Travis Paulton  
10693 Pass Creek Rd  
Edgemont SD 57735

Jim and Charel Pitts  
25385 Gillette Canyon Rd  
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William and Susan Paulton  
10666 Pass Creek Rd  
Edgemont SD 57735

Tomas & Eraclio Martinez  
25663 Dewey Rd  
Edgemont SD 57735

### Above also Sent Inter-office to:

Ann Mines Bailey, Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre SD 57501-8501

David McVey, Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre SD 57501-8501

Vickie Maberry  
Vickie Maberry

Water Rights Program, DANR

STATE OF SOUTH DAKOTA )  
 ) SS  
COUNTY OF HUGHES )

Sworn to, before me, this 8<sup>th</sup> day of May, 2023.

Karen Schlaak  
Karen Schlaak  
Notary Public  
My Commission expires April 1, 2025

